

TORBAY COUNCIL

Application Site Address	35 Langdon Fields Brixham TQ5 0PJ
Proposal	Formation of integral single garage to front.
Application Number	P/2021/0398
Applicant	Mr Tony Dyke
Agent	Mr Nicholas Lebrasse - Lebrasse Partnership
Date Application Valid	06/04/2021
Decision Due date	01/06/2021
Extension of Time Date	14/07/2021 - TBC
Recommendation	Conditional approval subject to the conditions detailed below.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee as Councillor Kennedy had concerns regarding the officer recommendation. Councillor Kennedy felt that the amendments made to the application are not significant enough to overcome the reasons for previous refusals and dismissal of the appeal in 2019, specifically regarding the siting of the garage and whether the garage acknowledges the local distinctive character of the area and fails to relate to the surrounding built environment in terms of scale, size, and massing. Therefore, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	Katie Greer

Location Plan:

SITE LOCATION PLAN 1:1250
(As Existing)



Site Details

The site, 35 Langdon Fields, Brixham, comprises of a detached dwelling located within a corner plot, along a residential road. The site forms part of the built-up area, but is not otherwise subject to any designations within the Torbay Local Plan

Description of Development

The proposal seeks permission for the formation of integral single garage to front with associated planting to the side and front. The garage would measure internally 3.59m x 6.11m, which meets the requirements for a standard garage set out in Appendix F. The garage will be sited to the front of the existing dwelling and would be visible from the road. The garage will be finished with white painted render and concrete roof tiles to match the existing dwelling, with established planting to the side and front of the garage to soften the effect on the streetscene.

Pre-Application Enquiry

DE/2020/0130: Construction of single garage on site. Letter sent 21.01.2021 with favourable outcome.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

P/2017/0507: Demolition of existing garage, erection of single storey side/rear extension, infill extension and front porch (revised plans received and description amended 10.07.2017). Approved 18.07.2017

P/2018/0600: Erection of new garage. Refused 23.07.2018

P/2018/1201: Formation of garage to front (in addition to application P/2017/0507) (resubmission of P/2018/0600). Refused 08.03.2019

DE/2020/0130: Construction of single garage on site. Letter sent 21.01.2021

Summary of Representations

The application was publicised through neighbour notification letters. Approximately 3 letters of objection have been received.

Concerns raised include:

- Noise
- Impact on streetscene
- Sets precedent
- Drainage
- Not in keeping with local area

Summary of Consultation Responses

Brixham Neighbourhood Forum:

No response received.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Ecology
5. Impact on Flood Risk and Drainage

1. Principle of Development

The proposal seeks permission for the formation of an integral single garage to front.

In the context of householder development within the built-up area there are no Development Plan policies indicating that the proposal is not acceptable in principle.

It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Impact on Visual Character

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE5 of the Local Plan states that extensions

to domestic dwellings should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the street scene in general. Policy BH5 of the Brixham Peninsula Neighbourhood Plan states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area.

A previous application was submitted for a similar proposal, which was refused for the following reason:

The scale and size of the proposed garage, and its prominent position forward of the established building line, would result in an incongruous addition within the streetscene, which would fail to respect the established form and layout of the surrounding built environment. As such, it is considered that the proposal would result in unacceptable harm to the character of the area, contrary to Policy DE1 of the Torbay Local Plan.

An appeal was submitted to the Planning Inspectorate in respect of the refused application, Appeal number: APP/X1165/D/19/3227678, which was dismissed by the Inspectorate for the following reasons:

- *The proposed garage due to its forward siting, scale and massing would appear incongruous and would fail to relate to the established form and layout of surrounding development and would result in unacceptable harm to the distinctive character of the area.*
- *Although there are other examples of garages and other extensions situated front of the building line on Langdon fields, none of the garages and extensions identified project forward of the existing front wall of the dwelling they serve, to the same degree as the appeal proposal i.e., they are not sited entirely forward of the dwelling they serve.*
- *Planting on the front boundary is proposed to screen the garage to an extent, however planting takes some years to mature and the retention of trees or hedging cannot be guaranteed, given the concerns regarding the inappropriate sighting of the garage this is not a matter to which I attach much weight*
- *I find that the development proposal would fail to acknowledge the local distinctive character of the area, would fail to relate to the surrounding built environment in terms of size, scale and massing and would fail to integrate with the existing street scene of Langdon fields contrary to policy DE1 of the Torbay local plan.*

Following on from this appeal decision the applicant submitted a pre-application enquiry to determine whether the amendments made would be considered by officers as acceptable and would meet the concerns of the Inspectorate.

On balance it was felt that the pre-application proposal adequately addressed the concerns raised by the Inspector and due to the increased distance to the front boundary and the revisions to the design, which presented a more integrated addition, the garage manages to relate to the local built environment sufficiently and acknowledges the local character notwithstanding its location to the front.

The garage measures 3.72m in width, 3.74m in height and 6.17m in length. The change in design to a pitched roof from a flat roof, which is submissive to the main roof scape, and with the garage being set back further from the road by 2.04m compared to previous scheme, it is considered to integrate with the existing dwelling, and would respect the design and character of the existing dwelling and area, as stated in Policy DE1 and BH5.

Considering these amendments to the proposal, it would not result in any unacceptable harm to the character or visual amenities of the locality. In the pre application enquiry it was suggested that the proposal would be acceptable if it could be softened by landscaping, to make it more appealing in terms of the visual impact on the existing dwelling and streetscene. A brick faced raised planter offset with a trellis on the southern elevation is proposed to make the garages sympathetic to the character and appearance of the surrounding area, with planting also proposed on the front Eastern elevation to screen the garage. This will also be conditioned so the planting is retained indefinitely.

Given the siting, scale, and design of the proposals it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality, subject to an adequate landscaping scheme as touched on above.

The proposal is considered to be in accordance with Policies DE1 and DE5 of the Local Plan, Policy BH5 of the Brixham Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. Paragraph 127 of the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Objectors have raised concerns regarding the impact the garage could potentially have on the streetscene, as they feel the garage would set a precedent and would not be in keeping with local area.

Given the siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. There will be no significant loss of light or privacy. A brick faced raised planter offset with a trellis on the southern elevation is proposed to soften the appearance of the garage, so it is not so overbearing.

The proposal is considered to accord with Policy DE3 of the Local Plan.

4. Parking And Access Requirements

Policy TA2 of the Local Plan states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 and Appendix F of the Local Plan states the minimum dimensions for parking spaces, including garages.

Appendix F of the Local Plan and the Council's highways department standing advice states that the minimum single garage internal dimensions should be 6m by 3.30m, to provide internal circulation space (1m on driver's side and 0.45m for passenger vehicle door opening). The proposal seeks to create a garage to the front of the dwelling. The proposed garage would meet the Council's parking requirements, as it measures 3.59m x 6.11m.

The proposal is therefore considered acceptable with regards to Policies TA2, TA3 and Appendix F of the Local Plan.

5. Impact on Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. Given the nature of the proposal, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106: Not applicable.

CIL: Not applicable.

EIA/HRA

ERA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Not applicable.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and it is in accordance with the Development Plan, including the Brixham Peninsula Neighbourhood Plan. As such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal on balance is considered acceptable in principle; would not result in unacceptable harm to the character of the area or local amenity. The proposed development is considered to be acceptable for planning approval to enable the grant of planning permission, having regard to the Local Plan and the Brixham Peninsula Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Flood risk

In accordance with the submitted flood risk assessment received 02.03.2021, surface water drainage shall be provided by means of soakaways within the site

which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100-year storm event plus 40% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF.

Matching Materials

The garage hereby approved shall be clad in materials matching those of the host dwelling and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and with the Brixham Peninsula Neighbourhood Plan.

Garage Use

The garage hereby approved shall at all times be maintained solely for the principal purpose of the parking of vehicles incidental to the occupation of the dwelling and shall at no time be used for commercial purposes or ancillary residential use.

Reason: To retain an acceptable form of development within a restricted plot, in accordance with Policies DE1, DE3 and TA3 of the Adopted Torbay Local Plan 2012-2030.

Planting

Prior to the first use of the development hereby approved, a scheme of soft landscaping to include species, size and maintenance regime following planting, shall be submitted to, and approved in writing by the Local Planning Authority. All planting, seeding, or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy BH5 of the Adopted Brixham Peninsula Neighbourhood Plan 2012-2030.

Informative(s)

1. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the

applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

DE5 – Domestic Extensions

ER1 – Flood Risk

BH5 – Good Design and The Town and Village Design Statements